

REMARKS

In the above-identified office action the Examiner has rejected claims 1-12 under 35 U.S.C. § 101 as the claims are directed to non-statutory subject matter. Applicants have amended the claims and are representing them as claims 13-24 which generally correspond to the original claims 1-12. As amended, claims 13-24 are now directed to statutory subject matter and as such, are believed to be acceptable under 35 U.S.C § 101.

Claims 1-12 have been rejected under 35 U.S.C. § 103(a) as obvious over Eggleston et al. The Examiner has stated that Eggleston shows the elements and limitations of claim 1 but lacks the explicit recitation of the elements and limitation even though the Examiner believes that Eggleston reasonably suggests the same.

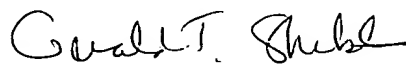
Eggleston deals with incentive programs that is primarily concerned with providing prizes after a user has points and does not concern itself with gathering and counting of points through the purchase of a commodity. In fact, the basic premise of Eggleston is set forth in the Abstract that makes no reference to the steps involving actions prior to use of the points. Thus, Eggleston primarily teaches the use of points already awarded in an incentive program and not the process of awarding the points. As such, Eggleston cannot make obvious the subject invention which now claims presenting point information having a commodity code peculiar to a commodity, transmitting the point information to a center unit whereby the center unit receives the point information and selectively processes points corresponding to the point information and then totaling and managing the points so processed in connection with the user and then providing a pre-determined service for making an award corresponding to the points totaled and managed. Eggleston shows only this last step and does not discuss, teach or suggest any of the prior steps. Accordingly, Applicants believe that claims 13-24 are non-obvious over Eggleston.

Applicants hereby request reconsideration and reexamination thereof.

With the above amendments and remarks, this application is considered ready for allowance and Applicants earnestly solicit an early notice of same. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he is respectfully requested to call the undersigned at the below-listed number.

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Respectfully submitted,
WELSH & KATZ, LTD.



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